

before the Judiciary Committee. I think most of my colleagues know about AgJOBS. Yes, 63 Senators supported it last year. We are now nearly at 50 at this time. Clearly a large number do support it. I think that is extremely important that we do. It is so necessary that we move appropriately to solve this problem and solve it in a timely fashion. This now gives us an opportunity to do that.

As I said to my colleagues, I have worked on this issue with numerous communities of interest for nearly 5 years to craft what we believe is one of the best approaches to solving the problem, not only recognizing that illegals, the undocumented are a problem in our country, but once they are here, and if they are here illegally, how do we treat them? How does the agricultural economy provide for them and respond to them while they are so necessary in that workforce? That is what is embodied in AgJOBS. It is not simply a threshold of how you transition through. It is in reality a major reform of the H-2A program.

Let's continue with this issue. I am going to stop at this moment. My colleague Senator SESSIONS is on the floor. I need to step away a few moments. I know he has important things to say—many that I agree with, but there are some I do not agree with.

Don't kick this ball down the field to another day. We look now at a comprehensive piece of legislation. It is very necessary we attempt to solve it now, get this Congress involved, and tell the American people we hear them, we know our national security is at risk, and in this instance our food security is at risk. We need to solve a very important problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Idaho. Senator CRAIG is one of my favorite Members of the Senate. We agree on many things. We have not agreed on this one.

Yes, I think we all understand we are dealing with a broad, important, and complex issue. It does require us to give it some thought. But the point of the matter is we are being asked to vote on AgJOBS tomorrow. People are going to have to cast a vote on this bill. I urge you not to vote for this legislation, because it should not be on the Defense supplemental and, second, because it is flawed, seriously flawed. It is not consistent with what I think are the views of most Members of Congress or the American people on how we ought to handle this matter.

I mentioned briefly earlier how the process toward amnesty works in this legislation. I would like to refer to this chart. I think it makes the point rather simply. I do not think it is disputed.

You have people who came here illegally. Perhaps they are in the country, perhaps they have already gone back to their home country, but they have violated our law by coming here, both in

coming here and in working illegally for some firm or company.

If they have done that and if, within 18 months of December 31 of last year, 2004, they have worked 100 workdays—and they have defined a workday in the act as 1 hour, so that could be 100 hours of work—they earn what the proponents of this legislation say they are earning: their right to be here.

They are being paid for this, presumably. They didn't come here to work for not being paid. They came for a salary they are willing to accept. They work here for 100 hours. Then they become a lawful, temporary resident. Then all of a sudden someone who was here unlawfully is now converted to a lawful resident.

A number of things occur after that. If they have family here, a spouse or children—one, two, three, four, five, six—and that spouse or those children may have been here 6 weeks, the spouse and children are entitled to stay as long as the person who now has become a lawful, temporary resident; and within the next 6 years, if that person is employed in agriculture for 2,060 hours—the average worker works about 2000 hours a year, so that would be about 1 year out of 6, being paid for this—they have therefore earned legal permanent resident status. That is pretty significant, legal permanent residency, because if you become a legal permanent resident, then you are no longer an indentured servant. You are not required to work in agriculture. You can work on any job you want.

It might be this court reporting job right here.

I don't know what they want to work on. They became a legal, permanent resident. They can wait for 5 years, and then they are virtually guaranteed a citizenship unless they are convicted—charged, convicted—of a felony or convicted of three misdemeanors. A misdemeanor can be a pretty serious offense sometimes.

I am not sure we want somebody to want to come here to commit a bunch of misdemeanors. You don't usually get caught for all of them. People do things and half the time they do not get caught at all. If you catch a victim twice on a misdemeanor, that can be very serious.

Then they are given citizenship.

By the way, if their children are not here, have never been here, and they became a lawful, permanent resident, they can send for them—one, two, or five members. They can come on down and be a part of the United States and be on the road to citizenship, even though maybe that was never the intention. Maybe it was never the intention, to begin with, for their family to come here.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. SESSIONS. Yes.

Mr. CRAIG. The Senator is making a very interesting point. Has the Senator looked at the Bureau of Labor Statis-

tics' numbers of those they believe—if the law were passed—are AgJOBS eligible?

Mr. SESSIONS. About a million.

Mr. CRAIG. About 500,000 is what they estimate. When you do all of the very thorough background checks we have within it that are consistent with immigration law today, they figure a certain number would fall out, and then there are the wives and dependents. A very large number of these are not married. They have no immediate family—about 200,000 more. It is reasonable to say the Department of Labor is looking at a total number of workers, spouse, and dependents of upwards of possibly 700,000. I know millions and millions are talked about. I believe that is unrealistic based on the Bureau of Labor Statistics.

Does the Senator disagree with those figures?

Mr. SESSIONS. I will say it this way: I will say it is very likely to be a million.

Mr. CRAIG. Based on what figures?

Mr. SESSIONS. Close to a million, if you take the figure of 700,000. I am not sure we have thought it through.

The Senator, I believe—who was here in 1987 when the 1986 amnesty was passed—would admit that the estimate of how many people would take advantage of it was very low. In fact, I believe three times as many people took advantage of that amnesty as the estimators estimated. It could happen here. I don't know.

Mr. CRAIG. I don't disagree with that. But the criteria was entirely different. If I could be so kind, I think my colleague is mixing apples and oranges and getting an interesting blend of a new juice. An earned status approach has never been used before. The full background check, and the thoroughness of that background check as we anticipate in this legislation, is only used when you have a legal immigrant standing in line. In fact, our law is more stringent for illegal than it is for the legal immigrant because they can get the misdemeanors. We say, if you get a misdemeanor with 6 months' incarceration, that is pretty serious. The Senator from Alabama is an attorney. Would he agree with that? They are out of here. There is a much different criteria when you start comparing the total numbers. That is why I think they would be different.

Mr. SESSIONS. The act says three convictions of misdemeanors. The Senator is right. It can be up to 6 months or a year.

Mr. CRAIG. Then they are deported.

Mr. SESSIONS. Not if there are two convictions.

Mr. CRAIG. That is correct. That is the current law. That is what current law says for the illegal immigrant.

Mr. SESSIONS. It is in the legislation.

Mr. CRAIG. It is in the law.

Mr. SESSIONS. For those here illegally and want amnesty to be given even though they have already violated immigration laws.